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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724

23696   7590   02/05/2007
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER
RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/05/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/05/2007.

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us-docketing@qualcomm.com
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	Application No.	Applicant(s)
Office Action Summary	09/825,588	CHMAYTELLI ET AL.
	Examiner	Art Unit	
	Sharad Rampuria	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 January 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4-6,9-11 and 20-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>4-6,9-11 and 20-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

I.   The Art Unit location of this application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this application

should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

II.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 01/18/2007 has been entered.

Disposition of the claims

III.   The current office-action is in response to the RCE filed on 01/18/2007.

Accordingly, Claims 1-3, 7-8, 12-19 are cancelled and Claims 4-6, 9-11, 20-25 are

imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

IV.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4-6, 9-11, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al.** (US 6496979) in view of **Owens et al.** [US 5555416].

As per claims 4, 25, Chen teaches:

A method for a wireless device capable of communicating over a wireless network and having operating software for supporting a computer platform on said wireless device (Col.7; 18-38) capable of executing applications (Abstract, Col.12; 61-Col.13; 28), comprising:

Initializing said wireless device for normal communications over the wireless network (Col.13; 51-64)

Chen doesn't teach specifically, after said booting-up, remotely receiving a recall command identifying a specific application available for execution on said computer platform of said device; and responsive to said remote recall command uninstalling said specific application without requiring end-user interaction. However, **Owens** teaches in an analogous art, that after

said booting-up, remotely receiving a recall command identifying a specific application available for execution on said computer platform of said device; (Col.2; 21-34) and responsive to said remote recall command uninstalling said specific application without requiring end-user interaction. (e.g. remotely updating the software in the device at the time booting-up; Col.5; 45-Col.6; 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Chen including after said booting-up, remotely receiving a recall command identifying a specific application available for execution on said computer platform of said device; and responsive to said remote recall command uninstalling said specific application without requiring end-user interaction in order to provide a method and apparatus for automatically, remotely installing software products and configuring operating environment on a device.

As per claim 5, Chen teaches:

The method of claim 4, wherein the recall command comprises an identification of said specific application and an instruction for causing said wireless device to delete said specific application. (Col.14; 49-67)

As per claim 6, Chen teaches:

The method of claim 5, wherein the recall command is sent to the wireless device via a short- message service (SMS) message. (i.e. a message; Col.10; 47-Col.11; 19)

As per claim 9, Chen teaches:

The method of claim 5 wherein said step of uninstalling comprises; searching a database on said wireless device using said identification to determine an address range corresponding to said specific application and deleting contents of said address range. (Col.12; 61-Col.13; 28)

As per claim 10, Chen teaches:

A method for a server (12; Fig.1) to cause a recall of a specific application installed on a subset of wireless devices selected from a set of wireless devices (Col.7; 18-38), each wireless device in said set capable of communicating over a wireless networks said server capable of communicating over said wireless network (Abstract, Col.12; 61-Col.13; 28) the method comprising:

Maintaining a database for identifying each application installed on each wireless device of said set; (Col.13; 51-64)

Searching said database to identify said subset of wireless devices having said specific application installed; (Col.14; 49-67) and

Chen doesn't teach specifically, sending an application recall command to each device in said subset which initiate uninstalling said specific application without requiring end-user interaction on the device. However, **Owens** teaches in an analogous art, that sending an application recall command to each device in said subset which initiate uninstalling said specific application without requiring end-user interaction on the device; (Col.2; 21-34, and e.g. remotely updating the software in the device at the time booting-up; Col.5; 45-Col.6; 8).

As per claims 11, Chen teaches:

The method of claim 10, wherein each recall command comprises an identification of said specific application and an instruction for causing one of said wireless devices from said subset of wireless devices to delete said specific application. (Col.14; 49-67)

As per claim 20, Chen teaches:

The method of claim 11, wherein the recall command is sent to the wireless device via a short message service (SMS) message. (i.e. a message; Col.10; 47-Col.11; 19)

As per claim 21, Chen teaches:

The method of claim 5, wherein each recall command further comprises: a uninstall application, which when executed by a wireless device, deletes said specific application. (Col.14; 49-67)

As per claim 22, Chen teaches:

The method of claim 10, wherein each recall command further comprises:

A uninstall application, which when executed by a wireless device, deletes said specific application. (Col.14; 49-67)

As per claim 23, Chen teaches:

The method of claim 10, wherein each wireless device which receives said application recall command uninstalls an application identified in said application recall command. (Col.14; 49-67)

As per claim 24, Chen teaches:

The method of claim 10, wherein each wireless device which receives said application recall command responds to said application recall command by checking-in with a server on said wireless network to determine whether any installed applications requires uninstallation. (Col.12; 61-Col.13; 28)

Response to Remarks

V.   Applicant's arguments with respect to claims 4-6, 9-11, 20-25 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

VI.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to

the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free) or *EBC@uspto.gov*.

Sharad Rampuria
Patent Examiner
Art Unit 2617